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Paper No. 9

In re Application of :
Arkady Yampolsky *et al* :
Application No. 09/903,052 : DECISION ON PETITION
Filed: July 10, 2001 :
Attorney Docket No004738/2/CMP :
:

This is a decision on the petition filed on August 9, 2004, by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a timely reply to the Office action dated September 26, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did in fact file a timely and proper reply to the Office letter in question. Petitioners support this allegation by submitting a copy of the reply, a copy of a request for a one month extension of time together with the fee therefor, a copy of an amendment with the claim surcharge fee therefor, and a copy of a post card receipt for the filing of these papers, showing that they were in fact received in the Office on November 26, 2003, a date within the period for filing a reply to Office letter in question, as extended. Therefore, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the all of the papers attached to the petition. The date to which the papers are entitled is November 26, 2003. All fees have been paid. Thereafter, the application will be forwarded to the examiner for immediate consideration and appropriate action.

PETITION GRANTED.

E. Rollins-Cross, Director
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